

**BOROUGH OF DUMONT
BERGEN COUNTY, NEW JERSEY
EXECUTIVE SESSION MINUTES
OCTOBER 2, 2012
6:30 PM**

Mayor Kelly called the meeting to order at 6:35PM
Flag Salute; Silent Prayer

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to ***The Record*** and the ***Ridgewood News***, posted on the Borough website and filed with the Borough of Dumont.

Roll Call: Council members Brophy (via conference call until 8PM), Carrick, Freeman (until 7:25PM), Hayes, Stylianou, Zamechansky-present
Mayor Kelly-present

Motion to accept agenda as presented: Councilman Stylianou
Second: Councilman Freeman
All in favor.

Approval of Minutes:

Motion to approve the August 21, 2012 Executive Meeting and Public Meeting minutes:

Councilwoman Zamechansky

Second: Councilman Hayes

Roll call vote: Council members Brophy, Freeman, Hayes, Stylianou, Zamechansky-yes

Councilman Carrick-abstained

Motion to approve the September 4, 2012 Executive Session and Closed Session minutes:

Councilman Hayes

Second: Councilwoman Zamechansky

Roll call vote: Council members Brophy, Hayes, Stylianou, Zamechansky-yes

Council members Carrick and Freeman-abstained

Council Committee Reports

- Councilman Brophy

Celebrations

He thanked everyone who devoted their time to make Dumont Day a success. Due to the severe weather, Saturday's festivities had to be cut short and picked up again on Sunday. He thanked the DPW for their exceptional job that weekend.

The Councilman pointed out that there are garbage collection problems. The Mayor said there had been a meeting with the garbage collection owner but apparently the problems have not been rectified. He will speak to them again tomorrow. It might be necessary to find another provider.

Board of Education

At the last Board of Education meeting the principals made presentations about technology in the schools. The next meeting is scheduled for October 18th.

- Councilman Carrick

No Report

- Councilman Freeman

No Report

- Councilman Hayes

Fire Department

They should be congratulated on an excellent job and for their dedication.

Joint Land Use Board

The meeting was cancelled due to lack of agenda.

Ethics Board

The Board has submitted a statement that they found no ethics violations in response to the complaint lodged in February due to the jurisdiction question. They are recommending the changing of wording to the Local Finance Board.

- Councilman Stylianou

Library

A committee has been formed to do fundraising. The next meeting is scheduled for October.

Recreation

The next meeting will be held tomorrow.

- Councilwoman Zamechansky

Senior Center

The Mayor's luncheon at the Knights of Columbus was held September 22nd. Almost 200 seniors were in attendance; sixteen of which are over 90 years old. One person is 102 years old and another 104 years old.

Their Halloween party is October 31st at the Senior Center.

Chamber of Commerce

Octoberfest will be held October 6th.

Board of Health

The Board meeting for September was cancelled due to lack of quorum.

Environmental Commission

Last week the new member, Mike Affrunti, was sworn in. The commission, in conjunction with the high school students, will be cleaning up Veteran's Plaza.

Celebrations

The Halloween parade will be held at D'Angelo's Farm October 27th at 3PM.

The Councilwoman thanked the DPW, Fire, Ambulance, Police, Bill Bowen for their help on Dumont Day. It was a big decision to close it down Saturday due to tornado watches but Sunday was very successful.

Mayor's Report

Mayor Kelly commended everyone for their work on Dumont Day. Vendors and residents returned Sunday and it was very successful.

Review of Consent Agenda Items: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a Council member. Also,

any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

RESOLUTIONS

#12-204 Approval of Dumont Lions Charities Annual White Cane Drive October 20, 2012 *

#12-205 Approval of Camp Acorn Calendar Raffle Application, RL#372, ID#373-4-35885 to be held from 1/1/13-6/30/13 *

#12-206 Bills List *

#12-207 Authorization of Execution of Contract with Action Data Services Payroll Company for October 1, 2012 through September 30, 2013 *

Councilman Freeman asked about the fees associated with this contract. The Mayor responded that the fees are paid by Mariner's Bank.

#12-208 Approval of Appointment of Helen G. McGaw to Fill a Vacancy on the Board of Health *

#12-209 Approval of Change Order #2 for TwinBoro Field Remediation Project (-\$4,960.00) *

#12-210 Approval of Requirement of Elected Officials to Attend at least One Course Annually *

Councilman Stylianou feels this is good but questioned "etc." and who decides if the course would be acceptable; who pays for the course.

Mayor Kelly explained the town would pay for the course. The ambiguity could be addressed.

There are courses offered throughout the year by the League of Municipalities and many courses offered at the League Conference.

#12-211 Approval of Christopher Gidney-DPW Seasonal Employment Replacement-\$10.00 per Hour *

Councilwoman Zamechansky asked whether this person is replacing someone who left. The answer was yes.

#12-212 Authorization to Issue Checks Upon Receipt for Football, Jr. Football, Soccer, Roller Hockey Referees *

Councilwoman Zamechansky said that this is a very good idea. There have been issues with them getting paid in a timely fashion.

#12-213 Approval of Corrective Action Plan for 2011 Audit - Councilman Hayes requested that this resolution be moved to non-consent

#12-214 Approval of Janet Vietri as Substitute Crossing Guard -\$14.25 per hour *

Motion to open to the public on consent agenda items: Councilman Stylianou

Second: Councilman Hayes

All in favor.

1. Kai Chen, 90 Teak Road, questioned Resolution #207 and finds it hard to believe that Mariner's Bank pays the fees associated with the payroll company. He asked the amount of fees the Borough pays to the bank.

The Mayor explained that the CFO is out sick but he will find out from her and email him the answer.

Mr. Chen addressed #210. He feels the requirements should be more specific and not so open.

Councilman Stylianou responded he, for instance, would like the council members to take a course on "pay to play" but to enumerate every beneficial topic would be difficult. It is not unusual for laws to be drafted this way where there is an umbrella. It might be better to leave it a

little ambiguous; then the Governing Body could discuss different courses that would meet the definition.

Mr. Chen respectfully thinks this is not an umbrella.

Resolution #210-**tabled** until the next meeting.

Motion to close to the public: Councilman Stylianou

Second: Councilman Freeman

All in favor.

Motion to adopt Consent Agenda: Councilwoman Zamechansky

Second: Councilman Freeman

Roll call vote: Council members Brophy, Carrick, Freeman, Hayes, Stylianou, Zamechansky-yes

Borough Attorney Paster's Report

NJEIT Phase II Project-a US District Court summons and complaint was received by the Borough in connection with the disposal of soil at the Fenimore landfill in Morris County. The insurance policies on all permanent easements are being prepared and issued to be sure the Borough has no issues in the future.

Red Light Camera RFP-two proposals, received August 14th, have been reviewed. A summary has been distributed for the Governing Body's information. Based upon discussions with the Mayor, a resolution awarding the contract prior to expiration of the proposals on October 13th, is on tonight's agenda. The Borough reserves the right to cancel at any time prior to actual preparation and installation of the system. The process could take up to two years.

This is the first he had heard of the most recent problem with the trash collector. He will speak to the Mayor and committee about possible exploration of notice of default.

Non-Consent Agenda

#12-195 Certification of the 2011 Audit (previously tabled). Liz Shick, an auditor from Lerch, Vinci, Higgins was present. Councilman Hayes has read the 2011 audit and asked about items listed in the audit. He asked about grants and whether the Borough has been reimbursed. Mr. Carrino explained that the Community Development Veteran's Plaza grant was carried over to another project for the Library and Senior Center. He also asked about Fixed Asset items, general capital fund balances, cash receipts and vouchers. The Councilman asked if the town is allowed to have its own credit card. The answer was no. He asked the process for reimbursing someone who has bought items for the Borough. He wants to make sure Dumont is doing everything legal, aboveboard and transparent. The Councilman asked how they can vote on this resolution if there is a question about the audit. The auditor responded that this resolution is verifying that the Council knows that the audit 2011 has been completed. She also pointed out that this audit was from nine months ago and problems in the audit might since have been corrected. The corrective action was also discussed. The CFO could not be present tonight because she is ill.

Councilman Hayes then asked Mr. Paster if he should be voting on this resolution since he was not a sitting councilman last year and. His response was that for Resolution #195 the Council is certifying that they have reviewed the auditor's report and agreeing with the corrective action in Resolution #213.

Councilman Carrick said that he called the auditor prior to the meeting to get answers to his questions and suggested that Councilman Hayes do the same in the future. Councilman

Hayes responded that the Municipal Clerk and Cathy in finance answered many of his questions; otherwise he would have had a lot more.

Mayor Kelly commented that the current voucher system is flawed; people are buying things with their own money because it takes so long for the town to pay them back. It is the responsibility of the council members to sign purchase orders on a regular basis. There are vendors who don't want to do business with us anymore because it takes weeks and weeks to get paid. He is working with the auditor and the administrator to make the voucher system more efficient while staying within the law.

Motion to approve #195: Councilman Stylianou

Second: Councilwoman Zamechansky

Roll call vote: Council members Brophy, Carrick, Hayes, Stylianou, Zamechansky-yes

#12-201 Endorsement Resolution-Historic Preservation Trust Fund Matching Grant for the Library-\$86,550 (previously tabled & -\$850.00 revised dollar amount)

Councilman Hayes walked through the Library with the Director. He usually feels the Borough has too much money out in bonds but he proposes they pass this.

Motion to open to the public: Councilman Carrick

Second: Councilman Stylianou

All in favor.

Motion to adopt Resolution #201: Councilman Hayes

Second: Councilwoman Zamechansky

Roll call vote: Council members Carrick, Hayes, Stylianou, Zamechansky-yes

Council members Brophy and Freeman are no longer present.

#12-203 Approval of Alaimo Group's TwinBoro Field Remediation Proposal-\$43,500

Nordan Murphy from Alaimo Group is present. Councilman Hayes asked why it costs so much to fill out paperwork to send to the State. Mr. Murphy explained that that is not what is being done. His February 17th letter specified that a special deed notice has to be prepared. Also required is a remedial action report to verify that they did everything that was represented in the original action plan and a classification exemption area plan to certify that there was potential contamination of water. These plans have to be certified by a Licensed Site Remediation Professional. These tasks must be performed at the end of the project to prove to the State that everything was done according to the Remedial Action Plan. These services total \$23,500.

Alaimo is also requesting additional money for construction management inspection services for a sum not to exceed \$20,000. Their original proposal was in 2010. The scope of work changed and in order to comply with the State DEP they are required to spend a lot more time inspecting than originally anticipated in 2010. They are well beyond \$20,000 in the time they have spent. There is still work to be done to meet DEP requirements. Closeout documentation supporting the site cleanup is necessary.

Councilman Stylianou asked how many additional hours are included in the \$20,000. He asked if Mr. Murphy had ever provided the Borough with a breakdown of dates, hours and hourly rates. Mr. Murphy said he would provide the breakdown.

Motion to open to the public: Councilman Stylianou

Second: Councilman Carrick

All in favor.

Motion to close: Councilman Stylianou

Second: Councilman Carrick

All in favor.

Motion to adopt Resolution #203. Payment will be contingent upon receipt of the breakdown of the \$20,000: Councilman Carrick

Second: Councilman Stylianou

Roll call vote: Council members Carrick, Stylianou, Zamechansky-yes

Councilman Hayes-abstained

#12-215 Approval of Change Order #4 for NJEIT Phase II Flood Control Project-\$93,943.49

Mr. Carrino explained that Alternate A6-5 for culvert cleaning was included in Tomco's bid. In order to keep the price down, this was not included in the bid award. At the time it was thought that the DPW could do it but they do not have the right equipment. The amount originally included in the bid was \$41,030, which would now be awarded to them. Another element of the change order is the item discussed at a previous meeting-the PSE&G gas main interference with the storm and sanitary sewer on Larch Avenue. T&M had to revise PSE&G's incorrect drawings and plans in order to place the storm sewer in the location the gas main was supposed to be. The contractor's unit prices for relocating the work and additional manholes and inlets is \$52,913.49. The Borough Administrator has contacted PSE&G; they should be responsible for the costs associated with this issue.

There was discussion whether to proceed with the project without getting the money from PSE&G but the engineer explained that we should proceed or it will delay or halt the project. The Borough would then wind up with damages from the contractor.

Councilman Stylianou stated that our options are to stop the project while the Borough pursues legal action against PSE&G, which may take years and perhaps have exposure with the contractor or pay the \$52,000 and get the job done and pursue PSE&G after the fact.

Mr. Paster was asked his opinion and he agreed with Mr. Carrino. If you stop the project waiting for PSE&G to pay, you risk issues with the contractor and discord with the residents.

Councilman Stylianou asked if there would be any other change orders in the future and the effect on the project if the change order was not approved. Mr. Carrino responded that this is a multimillion, complicated project and he could not be sure another issue might not arise. Mr. Perkins had asked to include culvert work on E. Quackenbush but since it is not included in this project, Mr. Carrino is going to suggest that it be handled separately. He stated that the worst area in the northern section of town is the corner of Larch and Beacon and the work in this change order would solve the flooding problem there.

Mayor Kelly said that he and an engineer from T&M had met with residents on Quackenbush. The obstructed area behind the senior building was cleared out. The culvert was examined by the County and they found several feet of silt, which was slowing the water flow down. In his opinion this project should proceed but the Council will vote on what position they wish to take.

Mr. Carrino said that the bulk of the heavy construction work for Phase II would be done this year. The planting and final paving would take place in the Spring.

Councilman Hayes is very unhappy with Tomco and would like to see someone else take over the project.

Councilwoman Zamechansky stated that nobody on the Council wants to spend more money but at this point they have no choice. The project has to be completed. Tomco was the lowest bid and therefore they were awarded the project.

Motion to adopt Resolution #215: Councilman Stylianou

Second: Councilwoman Zamechansky

Roll call vote: Council members Carrick, Stylianou, Zamechansky-yes

Councilman Hayes-no

#12-216 2013 N.J. DOT Local Aid Program Grant Endorsement Resolution for Depew Street,
Phase II

This is only approval of application for the grant.

Motion to open to the public: Councilman Carrick

Second: Councilman Stylianou

All in favor.

Motion to close: Councilman Stylianou

Second: Councilman Hayes

All in favor.

Motion to adopt: Councilman Carrick

Second: Councilwoman Zamechansky

Roll call vote: Council members Carrick, Hayes, Stylianou, Zamechansky-yes

#12-217 Authorization of Supplemental Funding for T&M Associates for Additional Work

Related to Contaminated Soils and Easement-related Services for NJEIT Phase II Project-

\$66,660.09 Motion to **table** until the next meeting: Councilman Stylianou

Second: Councilwoman Zamechansky

Roll call vote: Council members Carrick, Hayes, Stylianou, Zamechansky-yes

#12-218 Award of Contract for Traffic Control Signal Monitoring

Councilman Stylianou asked Mr. Paster if he had heard about a class action suit that had been filed against municipalities which had traffic signal monitoring and would it be prudent to move forward. He responded that he had not heard that but it is possible. Mayor Kelly said that this phase is just to have a firm apply to DOT. We can opt out. Mr. Paster said there is no cost to award this. He also said the program is almost all governed by statute and regulation.

Motion to open to the public: Councilman Hayes

Second: Councilman Stylianou

All in favor.

1. Maryann Russini, 141 Roosevelt Avenue, asked where the lights will be located and is it possible to move them away from bus stops.
2. Kai Chen, 90 Teak Road, wanted to make sure the Governing Body is aware of a bill that is aiming to amend the statutes to extend the yellow timing, extend the grace period after the red light and reduction of fine from \$85.00 to \$20.00. He wants to make sure the town doesn't have to pay the provider for equipment. He is not stating he is for it or against it.

Mr. Paster explained that if the resolution is adopted, the group will not seek any funding from the town in excess of what the citations generate. In response to Mr. Chen's comment about reduction in fines, it is his understanding this would apply only to illegal right turns on red.

3. Frank Lopez, 198 Magnolia, asked why we are wasting time moving forward if we know it is not beneficial for our town and spending money on maintenance of the equipment and the police looking at the film to issue these tickets.

Motion to close: Councilwoman Zamechansky

Second: Councilman Stylianou

All in favor.

Motion to adopt: Councilman Hayes

Second: Councilman Stylianou

Roll call vote: Council members Carrick, Hayes, Stylianou, Zamechansky-yes

#12-213 Approval of Corrective Action Plan for 2011 Audit

Mr. Paster stated that this resolution addresses the corrective action to be taken for the 2011 audit spoken of previously during long discussion of Resolution #195.

Motion to adopt #213: Councilman Carrick

Second: Councilman Stylianou

Motion to open to the public: Councilman Stylianou

Second: Councilman Carrick

All in favor.

1. Kai Chen, 90 Teak Road, stated that he understands that item #1, escrow accounts, appeared in the 2009 and 2010 audits. Is this going to happen every year?

Mr. Paster explained that the escrow accounts for some of the zoning and planning applications are very old. There are balances and there is not enough information to identify who the accounts belong to. He is trying to help the Finance Department to research who the money belongs to. Until they can straighten that out, and some may never be found and will have to go to unclaimed property at the State. Until that happens, this will appear on the audit every year. Mr. Chen said that this item mentions professional billing. That is just one example and needs to be looked at.

Motion to close: Councilman Stylianou

Second: Councilman Carrick

All in favor.

Roll call vote: Council members Carrick, Hayes, Stylianou, Zamechansky-yes

ORDINANCES

Second Reading

#1445 Salary Ordinance-Amend and Supplement Ordinance #1415

Motion to waive formal reading: Councilman Stylianou

Second: Councilwoman Zamechansky

All in favor.

Councilman Hayes stated that he does not like the wording.

Motion to open to the public: Councilwoman Zamechansky

Second: Councilman Stylianou

All in favor.

1. Kai Chen, 90 Teak Road, compared Ordinance 1415 and the current salary ordinance. The fire official's minimum pay was cut in half; the new ordinance has an assistant custodian; the Board of Health Deputy Registrar, which used to be an hourly position, has now become a flat salary position. Is it necessary to pass this ordinance at this time?

The Municipal Clerk explained that Deputy Registrar position was a transfer from the Municipal Clerk's office. The assistant custodian worked for the library but now works in Borough Hall. The Fire Official also has a position in the Building Department so that minimum salary was decreased.

Motion to close: Councilman Stylianou

Second: Councilman Hayes

All in favor.

Councilman Hayes has a problem with employees having more than one position. Councilman Stylianou responded that has nothing to do with this ordinance. It is something you would address when the contract expires.

Motion to adopt on second reading: Councilman Stylianou

Second: Councilman Carrick

Roll call vote: Council members Carrick, Stylianou, Zamechansky-yes

Councilman Hayes-no

#1448 Bond Ordinance Providing for Improvements to Depew Street, by and in the Borough of Dumont, in the county of Bergen, State of New Jersey, Appropriating \$150,000 therefor and authorizing the Issuance of \$142,850 Bonds or Notes of the Borough to Finance Part of the Cost thereof

Motion to waive formal reading: Councilman Carrick

Second: Councilwoman Zamechansky

All in favor.

Councilman Hayes confirmed with the Mayor that this is not a matching grant.

Motion to open to the public: Councilwoman Zamechansky

Second: Councilman Carrick

All in favor.

Motion to close: Councilman Carrick

Second: Councilwoman Zamechansky

All in favor.

Motion to adopt on second reading: Councilman Carrick

Second: Councilman Stylianou

Roll call vote: Council members Carrick, Hayes, Stylianou, Zamechansky-yes

Motion to open to the public for general comment: Councilman Hayes

Second: Councilman Carrick

All in favor.

1. Frank Lopez, 190 Magnolia, asked why the garbage is being picked up later and later.

Motion to close: Councilman Carrick

Second: Councilman Stylianou

All in favor.

Meeting adjourned at 9:40PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk